

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CHLOE A. LUCERO,

Plaintiff,

v.

No. 2:19-cv-00042-RB-KRS

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

**MEMORANDUM OPINION AND ORDER
DENYING MOTIONS TO APPOINT COUNSEL**

THIS MATTER comes before the Court on Plaintiff's Second Motion to Appoint Counsel, filed May 16, 2019 (dated May 8, 2019) (Doc. 11), and Plaintiff's Third Motion to Appoint Counsel, filed May 16, 2019 (dated May 10, 2019) (Doc. 12).

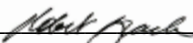
The Court dismissed this case and entered final judgment on January 23, 2019. (*See* Docs. 7; 8.) On May 6, 2019, Plaintiff filed her first motion to appoint counsel, which the Court denied on May 9, 2019, because the Court had dismissed the case and Plaintiff had not convinced the Court that there was sufficient merit to her now-dismissed claims to warrant the appointment of counsel. (*See* Docs. 9; 10.)

The Court denies Plaintiff's Second and Third Motions to Appoint Counsel in this case because the Court has dismissed the case without prejudice for lack of subject-matter jurisdiction and Plaintiff has not convinced the Court that there is sufficient merit to her now-dismissed claims to warrant the appointment of counsel. *See Witmer v. Grady Cty. Jail*, 483 F. App'x. 458, 462 (10th Cir. 2012) ("civil litigants have no right to counsel"); *Hill v. SmithKline Beecham Corp.*, 393

F.3d 1111, 1115 (10th Cir. 2004) (“The burden is on the applicant to convince the court that there is sufficient merit to his claim to warrant the appointment of counsel”).

IT IS ORDERED that:

- (i) Plaintiff’s Second Motion to Appoint Counsel (Doc. 11) **DENIED.**
- (ii) Plaintiff’s Third Motion to Appoint Counsel (Doc. 12) **DENIED.**



ROBERT C. BRACK
SENIOR U.S. DISTRICT JUDGE